

2013 OCT 24 PM 4: 27

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, D.C.

LEEANN FLYNN HALL  
CLERK OF COURT

IN RE ORDERS OF THIS COURT  
INTERPRETING SECTION 215  
OF THE PATRIOT ACT

)  
)  
)  
)  
Docket No.: Misc. 13-02

**Submission of the United States in Response to  
the Court's October 8, 2013 Order**

In its September 13, 2013 Opinion and Order, the Court directed the United States to identify those opinions of this Court that evaluate the meaning, scope, and constitutionality of Section 215 of the Patriot Act, 50 U.S.C. § 1861, that are at issue in ongoing Freedom of Information Act ("FOIA") litigation in the U.S. District Court for the Southern District of New York. Opinion and Order, at 1, 18. The Court also directed the United States to identify any such opinions that are not at issue in the FOIA litigation or already subject to the Court's publication process pursuant to Rule 62(a) of the Court's Rules of Procedure, and to propose a timetable to complete declassification review of any such opinions. Opinion and Order, at 18.

On October 4, 2013, the Government filed a submission in response to the Court's September 13, 2013 Opinion and Order, and moved for a stay of further proceedings due to lapsed appropriations. The Government identified, *inter alia*, the Opinion issued in Docket Number BR 13-25 on February 19, 2013, as one that contains "analysis by this Court evaluating the meaning, scope, and/or constitutionality" of Section 215 of the USA PATRIOT Act, 50 U.S.C. § 1861, and that is not at issue in the FOIA litigation in the Southern District of New York. Submission at 2.

On October 8, 2013, the Court granted the Government's motion for a stay of further proceedings. The Court also directed the Government to submit to the Court, within seven days of the restoration of appropriations, a proposed timetable for completing the declassification review of the Opinion issued in Docket Number BR 13-25 on February 19, 2013, and submitting to the Court any proposed redactions for the Opinion. The Government estimates that it will complete the declassification review of the Opinion and submit to the Court any proposed redactions by November 18, 2013.

October 24, 2013

Respectfully submitted,

JOHN P. CARLIN  
Acting Assistant Attorney General  
for National Security

J. BRADFORD WIEGMANN  
Deputy Assistant Attorney General

TASHINA GAUHAR  
Deputy Assistant Attorney General

/s/ Nicholas J. Patterson  
JEFFREY M. SMITH  
NICHOLAS J. PATTERSON  
U.S. Department of Justice  
National Security Division  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Phone: (202) 514-5600  
Fax: (202) 514-8053

*Attorneys for the United States of America*

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Submission of the United States in Response to the Court's October 8, 2013 Order was served by the Government via Federal Express overnight delivery on this 24th day of October, 2013, addressed to:

Alex Abdo  
Brett Max Kaufman  
Patrick Toomey  
Jameel Jaffer  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
aabdo@aclu.org

Arthur B. Spitzer  
American Civil Liberties Union of the  
Nation's Capital  
4301 Connecticut Avenue, N.W., Suite 434  
Washington, DC 20008  
artspitzer@aclu-nca.org

David A. Schulz  
Media Freedom and Information Access Clinic  
Yale Law School  
40 Ashmun Street, 4<sup>th</sup> Floor  
New Haven, CT 06511  
david.schulz@yale.edu

Gregory L. Diskant  
Benjamin S. Litman  
Richard I. Kim  
Patterson Belknap Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036  
blitman@pbwt.com

/s/ Nicholas J. Patterson  
Nicholas J. Patterson